

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MARY L. McCLUNE,)
Plaintiff,) Cause No. _____
vs.)
FARMERS INSURANCE COMPANY,) Circuit Court of Jackson County
INC.) Case No. 1816-CV10500
Defendants.)

DEFENDANT FARMERS INSURANCE COMPANY, INC.'S NOTICE OF REMOVAL

COMES NOW Defendant Farmers Insurance Company, Inc. (“Farmers”), by and through the undersigned counsel, pursuant to 28 U.S.C. § 1441 and §1446, and files this Notice of Removal of the above lawsuit, originally filed in the Circuit Court of Jackson County, State of Missouri, and in support of its Notice of Removal, hereby states as follows:

1. This case is a civil action over which this Court has original jurisdiction, pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441.
2. Plaintiff Mary L. McClune (“Plaintiff”) is a citizen of the state of Missouri.
3. Farmers is a foreign corporation organized and incorporated under the laws of the state of Kansas with its principal place of business in Los Angeles, California.
4. In her Petition for Damages, set forth fully within the underlying State Court record attached hereto as Exhibit A, Plaintiff, a citizen of Missouri, alleges that Farmers owes Plaintiff underinsured motorist (UIM) coverage arising out of an August 16, 2014, motor vehicle accident under a policy of insurance issued to Plaintiff by Farmers, and seeks a judgment to that effect against Farmers, citizens of other states.

5. The Farmers Policy of Insurance upon which Plaintiff's claim is based contains underinsured motorist coverage with per person limits of \$500,000.

6. The amount in controversy in this case exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, as Plaintiff seeks recovery from the Farmers Policy with per person limits of \$500,000.00 and Plaintiff has demanded \$450,000.00 to settle her underinsured motorist claim. *See* Plaintiff's Demand, attached hereto as Exhibit B.

7. Because complete diversity of citizenship exists between Plaintiff and Farmers and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), removal to this Court is proper pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1446.

8. Furthermore, because no Defendant is a citizen of the state in which this action was filed, removal to this Court is proper under 28 U.S.C. § 1441 (b)(2).

9. Venue is proper in the Western Division of this Court as the alleged motor vehicle accident occurred in Jackson County, Missouri.

10. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed with this Court within 30 days of Farmers' receipt of notice of Plaintiff's lawsuit, as Plaintiff served the Missouri Department of Insurance on May 11, 2018, with process for the present lawsuit.

11. There is filed as an attachment to this Notice of Removal a true and correct copy of the pleadings, process, orders, and other documents currently on file in the Circuit Court of Jackson County, State of Missouri.

12. Also accompanying and attached to this Notice of Removal is a Civil Cover Sheet for filing in this Court.

13. Farmers has given written notice to Plaintiff and the State court of the filing of this Notice of Removal and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Jackson County, State of Missouri, as required by 28 U.S.C. § 1446.

14. Based on the foregoing, Farmers respectfully requests that this Court accept jurisdiction of this action.

WHEREFORE, Defendant Farmers Insurance Company, Inc., respectfully requests the above-captioned action be removed from the Circuit Court of Jackson County, State of Missouri, to this Court, and for such other and further relief as the Court deems just and proper under the circumstances.

Respectfully Submitted,

BROWN & JAMES, P.C.

/s/Timothy J. Wolf

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Attorneys for Defendant Farmers Insurance Company, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was sent via the Court's electronic filing system and via U.S. Mail this 16th day of May, 2018, to:

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